

Daniel Sullivan 4/19/2023

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHARLES SLAUGHTER

PLAINTIFF

V. CIVIL ACTION NO. 3:20-cv-789-CWR-FKB

DR. DANIEL P. EDNEY, IN
HIS OFFICIAL CAPACITY AS
THE MISSISSIPPI STATE
HEALTH OFFICER, ET AL.

DEFENDANTS

DEPOSITION OF DANIEL SULLIVAN

Taken at the instance of the Plaintiff at
Butler Snow, LLP, 1020 Highland Colony Parkway,
Suite 1400, Ridgeland, Mississippi, on Wednesday,
April 19, 2023,
beginning at 8:56 a.m.



REPORTED BY:

GINGER H. BROOKS, CCR #1165
CRR, RPR, CRC, CCR, CLR, RSA

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1 and there was a dramatic surge in the number of
2 home health agencies in Florida back then. And
3 so, you know, you're including some states that
4 don't have Certificate of Need regulation, and
5 you're including some that do. I mean, obviously,
6 most of them do.

7 Q. If the eight of the 10 states in that
8 10-state region, if they removed their HHA CONS,
9 do you think that would be disruptive to their HHA
10 market?

11 A. Yes.

12 MR. SHELVER: Objection.

13 Q. (By Mr. Rice) And why would that be?

14 A. I mean, it would -- it would result in
15 a -- you know, sort of a flood of new providers.

16 You know, I can -- I can give you an
17 example. Indiana got rid of its Certificate of
18 Need program, gosh, probably 15 to 20 years ago
19 now, and when that happened, there was a dramatic
20 increase in the number of home health providers in
21 the marketplace, and I was involved in an
22 antitrust case involving home health in Indiana,
23 and, you know, it was sort of a chaotic situation.

24 You know, in some of these counties, you
25 might have 40 or 50 authorized home health

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1 abuse going on.

2 Q. Okay. And setting aside fraud and
3 abuse, I just want to talk utilization right now.

4 A. Well, I mean, that's directly tied to
5 utilization because patients are getting
6 inappropriately admitted to home health agency
7 services and it's artificially increasing
8 utilization of services, and that's -- that's a
9 concern.

10 Q. So, and again, setting aside any
11 potential fraud and abuse that you mentioned, I
12 just want to focus on the utilization. You're
13 saying that the utilization does go up when
14 there's more providers there?

15 MS. SMITH: Object to form.

16 THE WITNESS: Yeah, I don't know if I
17 can separate the fraud and abuse from that.
18 The more providers you have, the more people
19 are going to be turning over rocks trying to
20 find a patient to serve, and, in some cases,
21 they're making questionable judgments about
22 whether the patient really needs the service.

23 Q. (By Mr. Rice) So there's less --
24 there's less -- well, strike that.

25 There's more demand in these states if

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1 CERTIFICATE OF COURT REPORTER

2 I, Ginger H. Brooks, Court Reporter and
3 Notary Public, in and for the State of
4 Mississippi, hereby certify that the foregoing
5 contains a true and correct transcript of the
6 testimony of DANIEL SULLIVAN, as taken by me in
7 the aforementioned matter at the time and place
8 heretofore stated, as taken by stenotype and later
9 reduced to typewritten form under my supervision
10 by means of computer-aided transcription.

11 I further certify that under the
12 authority vested in me by the State of Mississippi
13 that the witness was placed under oath by me to
14 truthfully answer all questions in the matter.

15 I further certify that, to the best of
16 my knowledge, I am not in the employ of or related
17 to any party in this matter and have no interest,
18 monetary or otherwise, in the final outcome of
19 this matter.

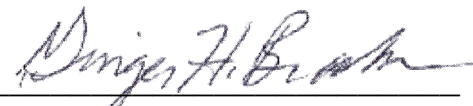
20 Witness my signature and seal this the
21 23rd day of May, 2023.

22

23

24

25


GINGER H. BROOKS, #1165
CRR, RPR, CCR

My Commission Expires:
September 18, 2025